

**PLANNING BOARD MEETING MINUTES
TUESDAY, FEBRUARY 20, 2007**

MEMBERS PRESENT: Jay Cruz, Chair
Paula Caron, Vice-Chair
John DiPasquale
Paul Fontaine, Jr.
Mike Hurley
Nancy Maynard

MEMBERS ABSENT:

PLANNING OFFICE: David Streb, Mike O'Hara

Call to Order

Meeting called to order at 6:02 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

Copy of memo to Legislative Affairs from David Streb regarding the reasons to accept MGL Chapter 39, Section 23D that would allow board members who miss one public hearing in a series of hearings about a matter vote upon reviewing transcripts or recording of the meeting.

Notice of Citizen Planner Training Service conference at Holy Cross March 17.

Discussion on local option ordinance -- "expedited permitting" per MGL c. 43D. Consensus of Board is that it was worth investigation. Board willing to have presentation at future meeting, could meet earlier than 6:00 if need be.

Letter to Mark Biller regarding proposed Westminster Hill Estates modification. Proposed agenda item is delayed due to inability of engineering firm to conduct flow testing because of cold weather. Ms. Caron asked staff for information on the cost and areas to benefit of the water system improvements as originally proposed, and the estimated cost and areas to benefit of the currently proposed water improvements.

Board reorganization

Mr. Cruz thought it would be a conflict of interest to remain as Planning Board chair.

Motion made (Ms. Maynard) and seconded (Mr. Fontaine) to nominate Ms. Caron for Chair.

Vote unanimous in favor.

Motion made (Ms. Maynard) and seconded (Mr. Fontaine) to nominate Mr. Hurley for Vice-Chair.

Vote unanimous in favor.

Ms. Caron then took over running the meeting from Mr. Cruz.

Meeting Minutes

Motion made & seconded to approve minutes of February 13, 2007 with Mr. Fontaine's changes incorporated. Vote unanimous to approve.

Motion made & seconded to approve minutes of January 16, 2007 CDBG meeting. Vote unanimous to approve.

ANR plans

The Board reviewed and endorsed the following "ANR" plan:

Franklin Road, Page

Parcel proposed to be split into (1) a conforming lot around the dwelling at 839 Franklin Road, (2) a 3.4 acre "rear lot", and (3) the remainder - parcel "D" - on the opposite site of Burma Road, which was labeled "not to be considered an individual building lot".

(Ms. Caron requested that staff bring the stamp regarding zoning conformance to the meeting routinely)

First Street ANR

The Board decided to wait to consider the First Street ANR until after the hearing for the infill lot proposal.

The Board realized it had approved the February 13, 2007 minutes which they had received via email, but not the January 23, 2007 minutes, which were provided in the information meeting packets. The Board then voted to rescind their earlier approval of the February 13, 2007 minutes until the next Planning Board meeting, and to approve the minutes of the January 23, 2007 meeting.

MINOR SITE PLAN REVIEW

none

PUBLIC HEARINGS

Modification of Definitive Subdivision - Parker Hill Estates, Matson Homes

(continued from 12-19-06)

Voting members present: Cruz, DiPasquale, Fontaine, Hurley, Maynard (5)

Action: approved

Mr. DiPasquale recused himself from the meeting, as he was absent from the previous hearing.

Mr. O'Hara passed out memoranda from the Fire Department and from the Conservation Commission. Both concerned the appropriate street width of the subdivision roads.

Public Hearing opened at 6:30 pm.

Wes Flis of Whitman and Bingham Engineers presented the proposed modification. He handed out his original letter to the Fire Department requesting the width modification that prompted the two memoranda earlier presented. He stated that wider pavement width has the negative effect of increasing the amount of runoff from the site, and increasing the temperature of the stormwater. Planning Board rules specify 28 feet width and the Conservation Commission had requested a modification to 24 feet width.

Mr. Flis showed the board the specifics of the proposed modification that were necessary due to Conservation Commission's concerns about many of the lots being too close to wetland areas.

Mr. Fontaine asked if the number of lots serviced by private wells change? Answer – no, just the lot numbers, but it's still five lots.

Ms. Maynard said that she has to support the Deputy Fire Chief on this matter. Mr. Cruz asked about the area of which the Conservation Commission was concerned. Mr. Flis pointed out the area on the plan.

Mr. Streb asked whether it might to use permeable pavement or other Low Impact Development technique to satisfy the concerns of both parties. Mr. Flis said permeable pavement isn't practical in this

climate, and their maintenance requirements are onerous. They plan to have the city take over the streets upon completion, so they could not recommend it.

Mr. Fontaine said that he understands the Conservation Commission's concerns. Mr. Hurley stated that public safety should trump other concerns. Mr. Cruz stated the same.

Public hearing was closed at 6:50 p.m.

Mr. Cruz asked about a gated dumpster for this project.

Also, the entire width of the road has to be cleared from snow events during construction, and not merely a simple narrow path. Also the suggestion was made to require the submission of a copy of the contract for trash removal for the residents during construction.

A question was raised about requiring a 53G account for this project to pay for 3rd party inspections during project construction to ensure compliance. Discussion ensued about how much for the fund would be appropriate. Mr. Streb suggested \$25,000. Mr. Fontaine thought that was too expensive – more like \$10,000 would be appropriate. The Board agreed that a deposit between \$2,500 and \$10,000 was needed from the applicant to start the account, and is subject to additional amounts to be deposited upon request to cover expenses. Any unused funds shall be returned to the applicant, after satisfactory completion of the project. Inspection types and frequency to be determined with input from city departments, as needed.

Motion made & seconded to approve modifications. Vote 4-0 to approve

Special Permit - Schlott Passway & Kimball St., Edgewater Construction, infill lot

Voting members present: Caron, Cruz, DiPasquale, Fontaine, Hurley, Maynard (6)

Action: continued to 3-20-07

Atty. George Watts presented. Edgewater obtained this lot in swap for proposed Simonds Street infill lot last year. Says that the proposed lot meets the standards of our by-law. The Building Commissioner had told them that the statutory grandfathering exemption would not apply for this lot. Stated that the proposed house is similar to the other houses that Edgewater Construction has built in the area.

Public comment: Councilor Donnelly commented that he has petitioned to abandon Schlott Passway, since access is possible from other streets. He questioned the need of the city to maintain all that blacktop. He cited other streets that have been abandoned, such as a portion of Cleghorn Street, Nocke Street, and a portion of Clarendon Street.

George Watts said that even if the road was abandoned, the petitioner would own to the centerline of the road, and have sufficient room to place his driveway.

Ms. Caron feels that the front of the house should face Kimball, and not Schlott Passway.

Ray Ford, Leighton Street, said he was under the impression that the city had changed the law so that house lots had to be 7,500 square feet in size. He was corrected. He further said that the city hasn't maintained that street in years – that he plows it after every snow storm.

Thomas James, 314 Kimball Street, said he works two jobs to survive, and gets to bed late, and people were cutting brush at 6:00 a.m. on the lot, giving him a preview of what's to come. He said his house is right next door. Ms. Caron explained to him that there's a vacant lot in between his house and the subject property. Mr. Ford said that he keeps eight dogs in the back yard, and they can smell people and start barking. He doesn't want anything built there.

Mr. Hurley said he'd like to see the lot turned toward Kimball also, to face the granite stairs.

The applicant agreed to redesign the house so it faced Kimball Street, and requested a continuance.

Mr. O'Hara pointed out that Engineering commented that the driveway should be pushed further up the hill. Mr. Watts pointed out that a substantial guardrail was blocking the side further up the road.

Discussion about having disclosure in the deed for infill lot: "Schlott Passway" is a private way"

The board voted to continue the matter to its March 20, 2007 meeting.

Mr. Cruz excused himself to go to City Council meeting

Special Permit - First St., Montachusett Enterprise Center, infill lots (2)

Voting members present: Caron, DiPasquale, Fontaine, Hurley, Maynard (5)

Action: Withdrawn without prejudice

Glenn Eaton of MRPC & MEC introduced Chris Deloge of Whitman and Bingham, who presented the plan. He said that parcel C would be granted to the City of Fitchburg, and it was pointed out that the City of Fitchburg already owns the parcel.

Glenn Eaton said that this was a Monty Tech house project, and they are scheduled to start September 2007. Frank Woods, who designed previously approved Habitat for Humanity houses, has designed these two homes.

Mr. Fontaine said that the Board had earlier requested that MEC come before them for infill lots, even though they appeared to have sufficient land for two 10,000 square foot lots, as that way the board could waive front setbacks and they would have greater control over the appearance of the properties.

Ms. Caron said the board has adopted rules that prohibit subdividing an existing lot to create an infill, although that provision can be waived by the Board.

Ms. Maynard said that she was opposed to this project – that it was too congested an area.

Public Comment:

Albert Ramos, First Street – spoke against the project, citing congestion.

Mr. Eaton explained that they initially considered four units and then three units for the property, but realized that two were appropriate, so they didn't pack them in to avoid a feeling of congestion.

John Polis, 31 Second Street, said that three homes were torn down from that site, and a fourth was moved across from Sadie Quatrala's house (25 Railroad St.) He feels that the Army Corps of Engineers, Conservation Commission, and EPA should be brought into this.

Mr. Streb explained to the board the status of the park across the street. He said that he spoke to Andy Roy, the liaison to the Park's Board, recently to ask about the status of the park. The Board had voted to abandon the park to build three units of housing there, but only if the city built another park somewhere else in the neighborhood.

Chris Deloge said that they will be going before the Conservation Commission, and that they are above the flood plain elevation.

Mr. Ramos asked if they will be removing trash from the land. Mr. Deloge responded that he presumes the Conservation Commission will require it. Mr. Fontaine then asked if they would just agree to do it, and Mr. Eaton said yes.

Larry Casassa, Deputy Planning Coordinator for the city, stated that because of the federal funds involved, they'll have to do a complete environmental review for the project.

Mr. Fontaine asked if they can tie the project directly to MEC, so some other developer can't build it?
A: Yes.

Ms. Maynard said she is not in favor of this project due to the congestion of the neighborhood.

Mr. Hurley stated that he hopes the Ward 1 councilor will straighten out the situation regarding the park. He also explained that, given Ms. Maynard's opposition, this project will be denied if the applicant doesn't withdraw the proposal, because without Jay Cruz (Jay had left for the Council Meeting), the vote had to be unanimous.

Chris Deloge requested that the Board give the application leave to withdraw.
The Board voted unanimously to give the application leave to withdraw without prejudice.

Site Plan Review - Benson St., Ciuffo Construction, building trade shops

Voting members present: Caron, DiPasquale, Fontaine, Hurley, Maynard (5)

Action: Approved.

Mark Belanger of Hannigan Engineering presented the plan. Building trade shops in three buildings are proposed, an allowable use in the Industrial district. They will serve as rental units for plumbers and electricians.

Ms. Caron asked if the plans had been reviewed by the Fire Department.

Mr. O'Hara said that the Fire Department had commented that two of the buildings require sprinklers because of their size, but one does not. Access around the buildings was OK. Engineering Department commented that a backflow preventer for sewers should be installed. Engineering was also interested in soil test data. Mark will provide.

Mark said they will do whatever the departments require them to do.

Ms. Caron asked about dumpsters. Mark Belanger didn't know how many dumpsters would be required.

Ms. Caron then asked about appearance of the buildings. She suggested that the developer continue the concrete band around to the Benson Street facade. Several board members agreed.

Ms. Caron also asked about outside storage.

Mark Belanger said outside storage is allowable under zoning, and they'd like to stay flexible to allow that. Mr. DiPasquale expressed concern that piles of rubbish would ensue. Mike O'Hara read the definition of outside storage from the zoning ordinance, and the board concluded that it was adequate to protect the site, as it prohibited trash, refuse and construction waste, and must be screened so as not to be visible from neighbors or traveled ways.

Mr. DiPasquale suggested that they return with dumpster locations, storage locations, and architectural renderings.

Motion made & seconded to approve site plan, subject to conditions:

- reviewing location of dumpsters and outside storage locations
- continuing the concrete band around the buildings, or other architectural improvement to dress up the facade facing Benson St.
- installing windows on the side facing Benson St.
- any outside storage shall be in accordance with Zoning Ordinance.
- conditions to be included in lease
- site to be landscaped and maintained as provided on approved plan.
- approval conditional on review & approval of revised plan.

Vote 5-0 to approve.

Site Plan Review - Whalon St., bar "City Lights"

Voting members present: Caron, DiPasquale, Fontaine, Hurley, Maynard (5)

Action: Approved.

Kent Oldfield presented the plan as modified as the result of the Board's previous comments during the concept plan presentation at the January 23 meeting. Applicant Andy Rome & D'Amico also present.

Their proposed hours of operation are 3 p.m. to 2 a.m.

Mr. DiPasquale asked about floor plan. Mr. Rome stated it has not been revised since last month's meeting, but it will have kitchen and capacity for 96. They plan to have live music (duos & trios). No plans for outside seating at present.

Ms. Maynard agreed that Ann Lawler does a beautiful job on the landscaped island, but that she's not required to do so.

A portion of the parking lot will be repaved and restriped.

The 3 parcels created will be owned by one owner (D'Amico). Cross-easements will be granted among all three parcels so each occupant has the right to access and park within all 3 parcels.

They do not plan to do anything to the existing rip-rap in back of the site along South Street.

The public hearing closed at 8:55 p.m.

The Board voted unanimously to approve the site plan with the following conditions:

- The northerly Whalon Street entrance at Amico Carpet to be narrowed to 24 feet wide.
- Evidence of cross-easements for access and parking on the three parcels to be provided to Planning Board.
- Landscaping improvements to be continued northerly along Whalon Street across all three parcels, past Amico Carpet and up to abutting property line. Landscaping improvements shall also be made to the islands and marquee areas on the Amico Carpet parcel.
- Arborvitae and other small shrub types are to be placed within and along all landscaped areas fronting on Whalon Street.
- Landscaped areas to be bermed.
- Landscaped areas are to be properly maintained at all times.
- Parking spaces are to be delineated (striped) and maintained throughout site at all times.
- Pavement to be re-striped in front of the carpet store, and other areas as needed.
- Entrances and exits to be clearly marked with signs and pavement markings.
- Building architecture and façade of proposed "City Lights" facility to be in conformance with rendering submitted.

Site Plan Review - 100 Erdman Way, parking lot expansion

Voting members present: Caron, DiPasquale, Fontaine, Hurley, Maynard (5)

Action: Approved.

Applicant is proposing 81 additional parking spots. Stormwater will sheet-flow to a bio-retention, rain-garden system. The parking area will not connect to B-J's parking lot.

They will be going before the Conservation Commission due to the location near the Nashua River.

Mike O'Hara said that the airport manager called to say that the site is owned by the Airport and they are leasing the land to the applicant, and fully support the project.

Board closed the hearing at 9:02 p.m.

The board voted unanimously to approve the site plan.

OTHER BUSINESS

Petition - Clarendon Street abandonment

A question was asked whether the abutting land was owned by the applicant. A: yes.

The board voted to recommend in favor of the abandonment, subject to the City retaining the required water or sewer easements.

Petition - Tully Land Swap

Michael O'Hara briefly explained the history of the case.

Board voted unanimously to recommend in favor of the transfer of land pursuant to the settlement agreement.

First St. ANR Plan for MEC (postponed from earlier in the meeting)

The Board voted to deny the ANR Plan due to the language on the plan referencing the in-fill section of the zoning ordinance. The Board briefly discussed the status of the First and Railroad Street park, and whether to send a letter to the Park Board.

Mr. Streb briefly described the proposal to continue the CSX Rail Trail up Fourth street to Middle Street, and then over to First Street, and the idea to excavate and well-light the historic tunnel that goes under the railroad tracks to Sawyer Passway.

In follow-up to comments made about the area park during the public hearing by abutters, the Board requested that the staff send a letter to the Parks Board asking them to revisit and reconsider the abandonment of that park if there's any hope that restoration of the park can occur.

Roosevelt Street subdivision - Release of Lot 8

The applicant explained that Lot 8 contains the two dams, for which the board had previously requested an engineering review. Yankee Engineering certified that the dams on lot 8 are safe overall, however they recommended some minor repair work to be conducted.

Ms. Caron said that the Board would need a report that documents that all work has been completed on the site before the lot is released.

It was pointed out that there is still a \$385,000 performance bond in place.

Ms. Caron asked if recommendations in the engineering report regarding required maintenance could be referenced in the deed for the property. Also, the board wants to see a certification that the work referenced in the engineering report has been performed satisfactorily, along with pictures of the site.

The board voted to release lot 8, subject to the above conditions.

Planning Board CDBG recommendations

Ms. Caron said she was pleased that the recommendations included funding for the Boys and Girls Club.

Mr. Cruz asked Larry if there were unfinished projects that these awards would be adding to. Larry explained that there were only a very few unfinished projects.

Ms. Caron asked about the Crocker Field Fence project.

David Streb explained that the balance of funds for that project will have to be provided by the Crocker Field Restoration Committee.

Mr. Fontaine asked about the recommendation for Camp COGIC, and expressed concern that the program was a lot of money if it lasted only three weeks.

Mr. Hurley asked about the Main Street elevator program. Larry Casassa explained that we've heard there's a problem with some properties on Main Street regarding elevator access to upper floors, and it may be important to a downtown property owner.

Mr. Cruz asked if funding allocation decisions can come back to the board if the money goes unspent. Larry said that the amount we are using is only an estimate, and that we may end up with more.

Would the Board like to suggest where any additional funds should go?

Ms. Caron suggested the Little League request, but no consensus was reached by the board.

Meeting adjourned: 10:05 p.m.

Next meeting: March 20, 2007

Minutes approved: 3-20-07